

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:
NATIONAL PRESCRIPTION
OPIATE LITIGATION

Case No. 1:17MD2804
Cleveland, Ohio

September 3, 2020
1:01 p.m.

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TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE DAN A. POLSTER,
UNITED STATES DISTRICT JUDGE, AND
DAVID A. RUIZ, UNITED STATES MAGISTRATE JUDGE.

- - - - -

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1 APPEARANCES:

2 For the Plaintiffs:

3 Peter H. Weinberger, Esq.
4 Hunter J. Shkolnik, Esq.
5 Salvatore C. Badala, Esq.
6 Frank L. Gallucci, III, Esq.
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12 Paul Farrell, Esq.
13 Joseph F. Rice, Esq.

14 For Walgreen Defendants: Kaspar J. Stoffelmayr, Esq.
15 Kate Swift, Esq.

16 For CVS Defendants: Sasha Miller, Esq.
17 Graeme Bush, Esq.

18 For HBC/Giant Eagle
19 Defendants: Robert M. Barnes, Esq.
20 Josh Kobrin, Esq.
21 Scott D. Livingston, Esq.

22 For Defendant Discount
23 Drug Mart: Timothy D. Johnson, Esq.

24 For Rite Aid Defendants: Kelly A. Moore, Esq.
25 John Lavelle, Esq.
Greg Fouts, Esq.

For Walmart Defendants: Tina M. Tabacchi, Esq.
Tara Fumerton, Esq.
John Majoras, Esq.

ALSO PRESENT: Special Master David Cohen

Proceedings recorded by mechanical stenography;
transcript produced by computer-aided transcription.

1 THURSDAY, SEPTEMBER 3, 2020, 1:01 P.M.

2 THE COURT: We need to know who's on for
3 the court reporter's record, but I don't need to go
4 through one by one.

13:01:50 5 THE CLERK: Okay. I'll just read it out
6 then who I've heard from. And you can tell me who else
7 you want.

8 Before I -- before I get much further, I
9 would ask do I have Salvatore Badala for plaintiffs?

13:02:08 10 MR. BADALA: Good afternoon. I'm on the
11 line.

12 THE CLERK: How about Frank Gallucci?

13 MR. GALLUCCI: Yes, I am on the line.

14 THE CLERK: And Linda Singer? Not heard
13:02:18 15 from Linda.

16 How about Paul Hanly?

17 MS. CONROY: It's Jayne Conroy.

18 Paul Hanly will not be on the call today,
19 but I'm here from his office.

13:02:32 20 THE CLERK: Perfect.

21 So now I'm going to go ahead and read off
22 this list.

23 I'll be right with you. More people are
24 joining all the time.

13:02:38 25 So, Judge, for Cuyahoga County, Lake

1 County, Trumbull County, I have Hunter Shkolnik,
2 Salvatore Badala, Frank Gallucci.

3 THE COURT: We don't -- everyone has to get
4 to Helen.

13:02:58 5 Everyone, make sure Helen knows that you're
6 on so we can make the record.

7 We don't need to go through 70, 75 names.

8 THE CLERK: Okay. How about everybody send
9 a list to David Cohen? David Cohen will get it to me.

13:03:14 10 I know everyone has David's e-mail address,
11 and then I will forward it to the court reporter.

12 Sue, I will scan the participant list and
13 send it to you now. These are the people I am well aware
14 of.

13:03:26 15 Judge, you can go ahead when ready.

16 THE COURT: All right. This is our what's
17 been a monthly phone conference in the Opioid MDL,
18 particularly the Track One B and Track Three cases with
19 the pharmacies and two counties in each of the two cases.

13:03:49 20 I received and appreciate the status
21 report.

22 I've got a number of things I want to
23 cover.

24 The first one is most important, the
13:04:03 25 November trial.

1 I received the defendants' motion or notice
2 of nonconsent.

3 Respectfully, I don't need any lawyer or
4 any party to tell me what our general order says, what it
13:04:28 5 means, how to construe it.

6 I know that. I'm part of the Court. I'm
7 at the regular Judges' meetings, all right, so it's
8 not -- it's not a good use of anyone's resources to file
9 things telling me what orders, general orders mean or
13:04:45 10 what to do.

11 The fact is our Court has not had jury
12 trials since the middle of March.

13 We voted a couple of weeks ago, last week,
14 to attempt to begin short jury trials starting September
13:05:07 15 21st with limitations.

16 We're doing one -- well, first of all,
17 we're only doing trials that can be concluded within a
18 week. We're only doing one trial per courthouse, and
19 these limitations are for September and October, starting
13:05:25 20 September 21st.

21 Then three, if the participants, the
22 parties or counsel are reluctant because of COVID
23 concerns to go to trial in September or October, we're
24 postponing it. We're not making anyone do it.

13:05:44 25 But this only applies to September and

1 October. We've made no decision as to what to do in
2 November.

3 Any trials scheduled for November are on as
4 scheduled, subject to whatever we decide at our
13:05:59 5 October 5th meeting. And we obviously have made no
6 decision. It's September the 3rd.

7 On October 5th, in the morning, we will
8 decide what we'll do about trials in November and going
9 forward, and we'll base that decision on the Court
13:06:19 10 experience with the September and early October trials
11 and on the COVID numbers for this area of the country.

12 And that's what we'll do. But this trial
13 is on until the Court decides it's not. And we'll make a
14 collective decision.

13:06:38 15 All my colleagues were made aware at the
16 last Judges meeting and when this general order was
17 issued that I have a trial scheduled for November 11th.
18 They all are aware of it.

19 They all are aware that our Clerk's Office
13:06:52 20 sent out, I believe last week, inquiries to roughly 1,000
21 people inquiring of their availability and willingness to
22 serve as jurors for approximately a month beginning in
23 November. And we're getting those responses in.

24 So and everyone knows that there are two
13:07:18 25 opioid trials, long opioid trials that Judges in this

1 part of the country are planning to conduct in October.
2 It wasn't on the status report, but there's an Ohio State
3 opioid trial that visiting Judge McMonagle is
4 conducting -- that's a jury trial -- sometime in October.
13:07:41 5 I think it's Madison County. It's one of the two cases
6 that AG Yost filed.

7 And then, of course, there's the MDL trial
8 that is on the status report that Judge Faber is
9 conducting. I think he's locked in two months in West
13:07:59 10 Virginia starting sometime in October. That's a bench
11 trial.

12 So other Judges are conducting live trials,
13 complex opioid trials in October.

14 So now since I've raised that, the trial
13:08:20 15 that Judge Faber is conducting in October was originally
16 slated to be a jury trial. I think both sides had
17 demanded a jury, and then recently both sides waived jury
18 and so he's doing the bench trial.

19 This trial, both sides requested a jury,
13:08:41 20 all parties requested a jury. That's fine. But I don't
21 know if anyone -- the parties have discussed jury waiver,
22 but it should at least be discussed.

23 I mean, I prefer having a jury decide these
24 complex cases, but clearly picking a jury, seating a
13:09:04 25 jury, having a jury adds, during COVID, a whole layer of

1 difficulties and dangers that would not be there with a
2 bench trial.

3 I mean, in theory with the parties'
4 consent, a bench trial could be conducted remotely in
13:09:21 5 whole or in part, if the parties consent. The jury trial
6 needs to be in person.

7 We've taken a lot of steps in our court to
8 provide for juries. I've already laid out my courtroom
9 with a lot of tables.

13:09:34 10 My plan is not to use the jury box, but to
11 use the gallery for jurors so they can be spread out.
12 And there won't be any spectators. The members of the
13 public, the media, will watch the trial in one of two
14 overflow courtrooms.

13:09:52 15 And we're doing the jury -- the voir dire
16 will be done downstairs in our large naturalization room
17 where people can be spread out.

18 So we have -- we have steps to accommodate
19 a jury, but clearly that adds a whole range of issues.

13:10:08 20 So I suggest the parties at least discuss
21 this.

22 I don't know, have you -- if you've already
23 discussed it, and there's not agreement, that's fine.

24 But I'd like to know if you have discussed this. But if
13:10:22 25 not --

1 MR. WEINBERGER: Your Honor.

2 THE COURT: -- you should do so.

3 MR. WEINBERGER: Your Honor, this is Pete
4 Weinberger for the plaintiffs.

13:10:27 5 THE COURT: Yes.

6 MR. WEINBERGER: We have not discussed the
7 issue of jury waiver with the other side.

8 THE COURT: Okay. All right. Well, that's
9 fine.

13:10:38 10 I suggest that all parties discuss this.

11 And again, you know, it's now set for jury trial and we
12 can handle it and we will handle it, but since the
13 parties in West Virginia agreed to convert from a jury
14 trial to bench trial, you ought to consider it.

13:10:58 15 And again, if you opt for a bench trial,
16 and the parties consent, I -- I don't see any reason why
17 the entire trial could not be done remotely, if the
18 parties agree.

19 We have the technology. We've all been
13:11:19 20 doing virtually everything remotely for six months.
21 We're pretty good at it.

22 So that's something the parties can
23 consider.

24 The next thing is in the event that the
13:11:46 25 plaintiffs prevail against at least one defendant, there

1 needs to be a second phase of this trial, a bench
2 proceeding on remedy. And, you know, everyone's busy and
3 scheduling things in advance, and I need to find out a
4 little more about it.

13:12:02 5 I guess my first question is will the
6 parties need different discovery on -- for the remedy
7 phase?

8 MR. WEINBERGER: Your Honor, this is Pete
9 Weinberger again.

13:12:22 10 The damage or the remedy phase or the
11 abatement phase has been fully worked up, and expert
12 depositions, expert reports and depositions have been
13 done of those experts on both sides.

14 And my only hesitation is to the extent
13:12:51 15 that there's been significant time that has taken place
16 between the reports, the depositions, and ultimately the
17 second phase of trial, there -- there might be some
18 desire to supplement reports and perhaps take some short
19 depositions related to any supplementation that changes
13:13:18 20 opinions or modifies opinions.

21 But other than that, I think we're -- we
22 would be ready to go into the second phase.

23 I don't know whose phone that is that's
24 going on.

13:13:35 25 THE COURT: That was mine.

1 MR. WEINBERGER: Oh, okay.

2 THE COURT: That's my house phone.

3 MR. WEINBERGER: Oh, okay.

4 THE COURT: Sorry.

13:13:41 5 All right. That's from the plaintiffs'
6 side.

7 Anyone from the defendants?

8 MR. STOFFELMAYR: Yeah, Judge, hi. Kaspar
9 Stoffelmayr for the defendants.

13:13:52 10 I would certainly agree that when we were
11 ready to try the case last year, you know, damages issues
12 were fully prepared, but those aren't -- that was going
13 to be part of the trial, but those aren't part of the
14 case any longer.

13:14:07 15 As to other abatement issues, I would
16 appreciate if we could come back to the Court on that.
17 It's not something, honestly, that we focused on for some
18 time, and I don't want to speak for everybody else
19 without, you know, having a chance to make sure
13:14:27 20 everyone's on the same page.

21 The other thing I don't know is when other
22 parties were severed out relevant -- relative to that
23 discovery.

24 So if they may feel that -- you know, I
13:14:38 25 can't speak for them, but they may feel or may not; I

1 just don't want to get ahead of ourselves, but we can
2 certainly submit a report to the Court within --

3 THE COURT: All right. That's fine,
4 Mr. Stoffelmayr.

13:14:49 5 I'd like the parties to discuss this and,
6 hopefully, you can come to some agreement.

7 I mean, if you need -- if you need
8 discovery, what it is and roughly how -- how long it will
9 take.

13:15:01 10 So I guess my second question is does
11 anyone have a sense of how long this proceeding will be,
12 how many witnesses?

13 I gather it's primarily experts. How long
14 do you think it will take?

13:15:24 15 MR. WEINBERGER: Your Honor, this again is
16 Pete Weinberger for the plaintiffs.

17 It is primarily experts, but there will be
18 testimony from some of the local witnesses for Summit and
19 Cuyahoga who will provide testimony about specific needs
13:15:50 20 for abatement and input they may have given to experts
21 who then did abatement calculations.

22 This is a pure guess on my part, but I
23 would assume that the second phase probably could be
24 done, both -- with both sides' presentations in about, in
13:16:19 25 about two weeks.

1 MR. STOFFELMAYR: Judge, Kaspar
2 Stoffelmayr.

3 As a -- you know, in the realm of guesses,
4 that doesn't sound like a crazy guess to me, but we
13:16:31 5 obviously would need to discuss it and understand better,
6 you know, who the witnesses would be and how many.

7 THE COURT: All right. Well, why don't, as
8 part of your discussions on discovery, whether you need
9 discovery, how much, how long it would take, why don't
13:16:47 10 you also just to me -- I mean, ultimately it's my
11 decision on limitations, but I've never conducted
12 a -- I've never conducted a public nuisance trial, I've
13 never conducted a public nuisance abatement -- post-trial
14 abatement remedy proceeding, so I've got no historical
13:17:10 15 knowledge.

16 So if you both believe that two weeks is
17 adequate, then you should tell me, tell me that.

18 And it seems to me that since that's
19 a -- strictly to the Court, if the parties agree, that
13:17:34 20 that can be done by Zoom remotely. But again I guess the
21 parties have to agree.

22 If someone insists on live, then obviously
23 we'll have it live in the court, but you should discuss
24 that, too.

13:17:50 25 And I think when -- I'm going to be

1 scheduling the next -- you should include that in the
2 next status report, the result of your discussions on
3 this.

4 So it would be in the next status report,
13:18:16 5 include your -- whatever you decide on jury waiver for
6 the trial, the November trial, and then your collective
7 thoughts on what this remedy proceeding would look like,
8 again only if the plaintiffs win, but again it's -- it's
9 complex enough that I think we need to sort of plan it
13:18:39 10 out.

11 And I, at least tentatively, will block out
12 some time, given that there are a lot of busy people
13 involved, so I didn't want to wait too long.

14 All right. I just saw -- well, I got this
13:19:10 15 week witness -- like, witness designations, and there
16 seems to be vastly more witnesses that have been
17 designated by each side than could conceivably testify at
18 this trial.

19 Now, I understand you need some
13:19:34 20 flexibility, but the witness lists are so long as to be
21 meaningless.

22 Remember, each side has only 70 hours for
23 direct and cross-examination, all right. I mean, if you
24 split it in half, 35/35, and your witness -- your direct
13:19:55 25 testimony of a witness averages an hour, that's 35

1 witnesses. All right? Some may be less than an hour.
2 Some will be longer. But if an hour is average, you've
3 got 35 witnesses.

4 I didn't count up how many, but, like, it
13:20:12 5 was multiples of 35 on each side, so I -- they're
6 meaningless to me and, candidly, they're meaningless to
7 each side.

8 So I suggest both sides get real. I mean,
9 that's -- and the same thing with deposition
13:20:32 10 designations. I just saw this, Special Master Cohen
11 forwarded this to me. "Plaintiffs agree to reducing our
12 affirmative designations to 75 hours and will do so by
13 Wednesday."

14 All right. You're only allowed 70 hours
13:20:50 15 for direct and cross, all right. Having 75 hours of
16 affirmative depositions, again, that's way more than you
17 can conceivably ever use.

18 So that's meaningless to the Court, it's
19 meaningless to defendants. I don't even know what the
13:21:09 20 defendants have designated.

21 But I can tell you this: The Court and
22 Special Master have limited time, and we're not going to
23 be wading through hundreds and hundreds of objections to
24 deposition transcripts.

13:21:25 25 And so what's going to happen is if, when

1 we get these, I just think there are way too many, I'll
2 just say, "The heck with it, we're not going to have any
3 testimony by depositions; call everyone live."

4 Again I've said any witness who wants to,
13:21:47 5 can testify by video.

6 So if there are objections to questions,
7 I'll rule on them, I'll rule on them live. But the Court
8 doesn't have the time or the interest or inclination to
9 be wading through hundreds and thousands of
13:22:03 10 deposition -- objections to deposition
11 experts -- deposition excerpts, particularly since the
12 parties have grossly overdesignated.

13 So you've heard me. You figure out what
14 you want to do. But if, again, if you can't agree on
13:22:22 15 some meaningful limitation on this, forget about the
16 depositions altogether and call your witnesses live.

17 Again, I've said, any witness who wants to
18 testify by video, wherever they are in the country, then
19 put them on by video. I'll tell the jury that we're
13:22:40 20 doing a lot of things differently because of the
21 pandemic. Everyone knows it. And one of the things
22 we're doing differently is we'll have a lot of witnesses
23 by video, and they're to give the witness exactly the
24 same attention as if he or she was sitting right in front
13:22:54 25 of them in the courtroom.

1 All right. The last thing I wanted to
2 cover was to find out -- I mean, we're now two months
3 from trial, and I know you've advised me you've been
4 having settlement discussions, meeting with the mediator
13:23:25 5 Judge Gandhi, and I want to know are you meeting
6 regularly with him and, you know, are you getting
7 anywhere?

8 Because if you're not,
9 something -- something isn't right and we need to change
13:23:40 10 the paradigm if you're not engaged in serious discussion
11 now two months before the trial.

12 MR. WEINBERGER: Your Honor, this is Pete
13 Weinberger, and I'll address your comments on the issue
14 of mediation.

13:23:54 15 But before I do, I believe that the
16 supplemental -- I'd call it supplemental Cohen order with
17 respect to CT One B actually helps us address some of
18 your concerns about the significant numbers of witnesses
19 on the witness list.

13:24:18 20 Your order, which required us to exchange
21 on September 2nd, is in anticipation of both sides being
22 able to look at those lists and cull them down
23 substantially, and also to address whether or not there's
24 anyone on those lists that has not previously been
13:24:37 25 disclosed or for which we may need a discovery

1 deposition.

2 So I can -- I can speak for the plaintiffs
3 that both with respect to the deposition designations and
4 the exhibit lists, we will be culling them down
13:24:54 5 significantly.

6 As to the depo designations, in part that
7 will be dependent on and -- on our designation of the one
8 live witness per defendant who we are entitled to call
9 without regard to issues of subpoena power, as we did
13:25:15 10 with respect to CT One A.

11 So we are mindful -- the plaintiffs are
12 mindful of your concerns, and I can assure you we will
13 address them and have already anticipated addressing
14 them.

13:25:30 15 With respect to the issue of mediation --
16 and Joe Rice is on the phone -- he and I and two other of
17 our colleagues, including Hunter, have been involved
18 with -- in discussions with Judge Gandhi.

19 The last discussion that we had with Judge
13:25:53 20 Gandhi was about two weeks ago, and we haven't exchanged
21 information with him since.

22 I hesitate to describe anything about
23 the --

24 THE COURT: All right. I don't want -- I
13:26:21 25 don't want to get -- you know, defendants don't want me

1 involved in mediation at all, but it's appropriate for me
2 to inquire is anything happening, so it sounds like --

3 MR. RICE: Judge.

4 THE COURT: -- maybe it's not at the moment
5 so.

6 MR. RICE: Judge, this is Joe.

7 I think to sum it up from the plaintiffs'
8 side, we do not think that we've made much progress in
9 the mediation, and we have made it known to the mediator
10 that if we're not going to get more progress made, that
11 we would like to terminate the mediation.

12 And that was the last call we had, and he
13 was going to get back with us.

14 MS. TABACCHI: Judge, this is Tina Tabacchi
15 from Jones Day.

16 I can just report that the pharmacies have
17 been engaged on a regular basis with the mediator and met
18 with him by video earlier this week.

19 MR. RICE: We will reach out and try to get
20 a report, Judge.

21 THE COURT: All right. I heard from the
22 plaintiffs that they don't think they've made much
23 progress, and if there isn't much more progress they want
24 to terminate, which they have the right to do.

25 But I'm dismayed by this, that -- but it's

1 not -- the parties should be able to make progress, okay.
2 That doesn't mean you're going to be able to settle it,
3 but you ought to be able to make progress if both sides
4 are sincere.

13:28:07 5 If you're not, obviously we shouldn't have
6 bothered from the start, but I want to -- I want to have
7 something a lot more definite by our next phone call.

8 I expect, I mean, either that you're really
9 making progress or it's been terminated, and if it's
13:28:26 10 terminated, then I'm going to press the defendants to let
11 the Court get involved because you've had a good
12 mediator, all right.

13 And, I mean, or, or if the answer is, "We
14 don't want to settle, we don't want to mediate it," well,
13:28:44 15 then you should say so. Okay?

16 I mean, no one has to settle this case or
17 any other. You can try one case, you can try a hundred,
18 you can try 3,000 throughout the country, but no one
19 wants to waste any time.

13:28:58 20 So I want to have -- either hear by our
21 next call that you're making real progress, or if you've
22 terminated it and if the, you know, response is that the
23 parties don't want to try and settle, they want to keep
24 trying this one, see how it happens, maybe try others,
13:29:20 25 that's okay.

1 All right. This is my thought for future
2 upcoming conferences. We've been meeting roughly
3 monthly. This is my suggestion, that we have another
4 call three weeks from today which would be September
13:29:49 5 24th, and then we have another call on the afternoon of
6 Monday, October 5th because I will know at that point
7 whether this trial is going to go forward or not based on
8 our -- based on our Judges' meeting.

9 And I'll let everyone know, and I figure
13:30:15 10 everyone should know as soon as possible, and the soonest
11 we'll know is that afternoon.

12 Does anyone have a problem with that? I'm
13 proposing 3:00 o'clock three weeks from today which would
14 be September 24th, and then 1:00 o'clock, Eastern Time
13:30:31 15 obviously, on Monday, October 5th.

16 MR. STOFFELMAYR: Good here, Your Honor.
17 Thank you.

18 Kaspar speaking. Sorry, Kaspar Stoffelmayr
19 speaking.

13:30:49 20 THE COURT: Does anyone have a real problem
21 with those?

22 I'd rather not wait five weeks until, you
23 know, we can meet again, and I think it makes sense to
24 have the next one right after the Judges' meeting so
13:31:02 25 everyone will know whether we're going forward.

1 And obviously, I believe we've already
2 heard from the defendants that if, if the Court decides
3 we're not going to have any, any trials without the
4 consent of the parties on COVID-related concerns, then
13:31:23 5 the defendants have already made their position clear.

6 But again, no one can predict whether, you
7 know, what we're going to decide. I mean, there are
8 about at least three or four possibilities.

9 We could decide, based on our limited
13:31:40 10 experience and the numbers, that we don't want to have
11 any trials in November or December.

12 We could decide we're going to have trials
13 with conditions, the same conditions we've had, or new
14 conditions; or we can decide we'll have trials without
13:31:54 15 any conditions and just go forward.

16 So -- or something else.

17 But we'll decide that on the 5th.

18 All right. I think that that
19 covered -- I've covered everything that I had on my list.

13:32:17 20 MR. WEINBERGER: When do you want status
21 reports, Your Honor -- this is Pete again -- for the
22 September 24th?

23 THE COURT: That's a good idea, Peter.

24 Yes, why don't we keep the same, the same
13:32:30 25 schedule?

1 This one was submitted at noon --

2 MR. WEINBERGER: On Monday.

3 THE COURT: -- on Monday before.

4 MR. WEINBERGER: Right.

13:32:38 5 THE COURT: So why don't we have one at
6 noon on Monday, September the 21st?

7 And I want it to include the things we
8 talked about, and I think -- I think that the trial that
9 Judge McMonagle is conducting should be somewhere on the
13:32:55 10 report. It's --

11 MR. WEINBERGER: We'll see -- we'll see to
12 it that it's included.

13 THE COURT: Yes, I think it's
14 within -- it's not -- it doesn't involve these, the
13:33:07 15 participants in this trial, so it would be in the section
16 state cases for other defendants. It's the distributors.
17 I believe it's the distributors only.

18 But --

19 MR. WEINBERGER: Yes.

13:33:18 20 THE COURT: -- that's a jury trial and, to
21 my knowledge, it's going forward.

22 Okay.

23 MR. WEINBERGER: That's what we -- that's
24 what we understand, also.

13:33:26 25 THE COURT: Yeah.

1 Is there anything else that either side
2 wants to -- wants to raise?

3 MR. WEINBERGER: Not on behalf of the
4 plaintiffs, Your Honor.

13:33:42 5 MR. STOFFELMAYR: Not for the defendants
6 either. Thank you.

7 THE COURT: All right.

8 Judge Ruiz and Special Master Cohen,
9 did -- did I omit something or is there something else
13:33:52 10 that either of you think we ought to cover?

11 Because I've got many people helping me,
12 and I could easily have forgotten something.

13 SPECIAL MASTER COHEN: I don't think so,
14 Judge.

13:34:08 15 There's many issues that I'm working with
16 the parties on, but I don't think there's anything we
17 need to chat about today.

18 MAGISTRATE JUDGE RUIZ: And this is
19 Magistrate Judge Ruiz.

13:34:16 20 I don't -- I don't think there's anything
21 else for the parties and the Court to discuss today.

22 THE COURT: Okay. All right.

23 Thank you, everyone.

24 We'll talk to everyone in three weeks, and
13:34:30 25 have a good Labor Day, and everyone stay safe.

1 MR. WEINBERGER: You, too. Thank you,
2 Judge.

3 (Proceedings concluded at 1:34 p.m.)

4 - - - -

5
6 C E R T I F I C A T E

7 I certify that the foregoing is a correct
8 transcript from the record of proceedings in the
9 above-entitled matter.

10
11
12 /s/Susan Trischan

13 /S/ Susan Trischan, Official Court Reporter
14 Certified Realtime Reporter

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